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<b>TRANSMITTAL FORM</b>  <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/889,106	
	Filing Date	July 11, 2001	
	First Named Inventor	Haile Tecle, et al.	
	Group Art Unit	1626	
	Examiner Name	Golam M. Shameem	
Total Number of Pages in This Submission	8	Attorney Docket Number	5940-01-SMH

ENCLOSURES (check all that apply)		
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Firm or Individual name	Suzanne M. Harvey
Signature	<i>Suzanne M Harvey</i>
Date	<i>December 2, 2002</i>

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## IN THE UNITED STATES PATENT &amp; TRADEMARK OFFICE

APPLICANT : Haile Tecle, et al.

EXAMINER : Golam M. Shameem

SERIAL NO. : 09/889,106

ART UNIT : 1626

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FOR : 4' HETEROARYL DIARYLAMINES

## Response to Restriction Requirement Under 35 U.S.C. 121 and 372

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

12/16/2002 RHARMON 00000002 230455 09889106

01 FC:1251 110.00 C This is in response to the Office Action dated September 30, 2002 (Paper Number 4) in which Restriction was required under 35 U.S.C. 121 and 372.

Under PCT Rule 13.1 and in accordance with 37 CFR 1.499, Applicants were required to elect a single invention of the following inventions:

**Group I**, claim(s) 1-29, drawn to a compound of the formula (I) wherein,  $R_1$  is heterocyclic radical (such as pyrrole, pyrazole),  $R_2$  and  $R_3$  is independently H, phenyl,  $C_{1-4}$  alkyl,  $C_{3-8}$  alkynyl,  $C_{3-8}$  cycloalkyl,  $R_4$ ,  $R_5$ , and  $R_6$ , is independently H, CL, F, or Br,  $R_A$  and  $R_J$  are heterocyclic radical (such as pyrrole, pyrazole),  $R_C$ ,  $R_D$ ,  $R_E$ ,  $R_F$  and  $R_G$  is independently selected from pyrrolidinyl and all other variable substitutions are as defined and one method of use (e.g. treating cancer);

**Group II**, claim(s) 1-29, drawn to a compound of the formula (I) wherein,  $R_1$  is heterocyclic radical (such as morpholinyl, pyrazinyl),  $R_2$  and  $R_3$  is independently H, phenyl,  $C_{1-4}$  alkyl,  $C_{3-8}$  alkynyl,  $C_{3-8}$  cycloalkyl,  $R_4$ ,  $R_5$  and  $R_6$  is independently H, CL, F, or Br,  $R_A$  and  $R_J$

5940 US Response Restriction Requirement

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are heterocyclic radical (such as morpholinyl, pyrazinyl),  $R_C$ ,  $R_D$ ,  $R_E$ ,  $R_F$  and  $R_G$  is independently selected from pyrazinyl and all other variable substitutions are as defined and one method of use (e.g. treating septic shock);

**Group III**, claim(s) 1-29, drawn to a compound of the formula (I) wherein,  $R_1$  is non-heterocyclic radical (such as H,  $C_{1-8}$  alkyl,  $C_{3-8}$  alkenyl,  $C_{3-8}$  alkynyl, phenyl,  $C_{3-8}$  cycloalkyl etc.),  $R_2$  and  $R_3$  is independently H, phenyl,  $C_{1-4}$  alkyl,  $C_{3-8}$  alkynyl,  $C_{3-8}$  cycloalkyl,  $R_4$ ,  $R_5$  and  $R_6$  is independently H, CL, F, or Br,  $R_A$  and J are non-heterocyclic radical (such as H,  $C_{1-6}$  alkyl,  $C_{3-8}$  alkenyl,  $C_{3-8}$  alkynyl, phenyl,  $C_{3-8}$  cycloalkyl etc.),  $R_C$ ,  $R_D$ ,  $R_E$ ,  $R_F$  and  $R_G$  is independently selected from non-heterocyclic radical (such as H,  $C_{1-6}$  alkyl,  $C_{3-8}$  alkenyl,  $C_{3-8}$  alkynyl, phenyl,  $C_{3-8}$  cycloalkyl etc.) and all other variable substitutions are as defined and one method of use (e.g. treating cystic fibrosis);

**Group IV**, claims 30-48, drawn to a method for treating a disease with the compound of the formula (I) wherein,  $R_1$  is heterocyclic radical (such as pyrrole, pyrazole),  $R_2$  and  $R_3$  is independently H, phenyl,  $C_{1-4}$  alkyl,  $C_{3-8}$  alkynyl,  $C_{3-8}$  cycloalkyl,  $R_4$ ,  $R_5$  and  $R_6$  is independently H, CL, F, or Br,  $R_A$  and J are heterocyclic radical (such as pyrrole, pyrazole),  $R_C$ ,  $R_D$ ,  $R_E$ ,  $R_F$  and  $R_G$  is independently selected from pyrrolidinyl and all other variable substitutions are as defined heterocyclic radical and all other variable substitutions are as defined;

**Group V**, claims 30-48, drawn to a method for treating a disease with the compound of the formula (I) wherein,  $R_1$  is heterocyclic radical (such as morpholinyl, pyrazinyl),  $R_2$  and  $R_3$  is independently H, phenyl,  $C_{1-4}$  alkyl,  $C_{3-8}$  alkynyl,  $C_{3-8}$  cycloalkyl,  $R_4$ ,  $R_5$  and  $R_6$  is independently H, CL, F, or Br,  $R_A$  and J are heterocyclic radical (such as morpholinyl, pyrazinyl),  $R_C$ ,  $R_D$ ,  $R_E$ ,  $R_F$  and  $R_G$  is independently selected from pyrazinyl and all other variable substitutions are as defined;

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**Group VI**, claims 30-48, drawn to a compound of the formula (I) wherein,  $R_1$  is non-heterocyclic radical (such as H,  $C_{1-8}$  alkyl,  $C_{3-8}$  alkenyl,  $C_{3-8}$  alkynyl, phenyl,  $C_{3-8}$  cycloalkyl etc.),  $R_2$  and  $R_3$  is independently H, phenyl,  $C_{1-4}$  alkyl,  $C_{3-8}$  alkynyl,  $C_{3-8}$  cycloalkyl,  $R_4$ ,  $R_5$  and  $R_6$  is independently H, CL, F, or Br,  $R_A$  and J are non-heterocyclic radical (such as H,  $C_{1-6}$  alkyl,  $C_{3-8}$  alkenyl,  $C_{3-8}$  alkynyl, phenyl,  $C_{3-8}$  cycloalkyl etc.),  $R_C$ ,  $R_D$ ,  $R_E$ ,  $R_F$  and  $R_G$  is independently selected from non-heterocyclic radical (such as H,  $C_{1-6}$  alkyl,  $C_{3-8}$  alkenyl,  $C_{3-8}$  alkynyl, phenyl,  $C_{3-8}$  cycloalkyl etc.) and all other variable substitutions are as defined;

**Group VII**, claims 49-50, drawn to a method for treating a disease with chemotherapy using the compound of the formula (I) wherein,  $R_1$  is heterocyclic radical (such as pyrrole, pyrazole),  $R_2$  and  $R_3$  is independently H, phenyl,  $C_{1-4}$  alkyl,  $C_{3-8}$  alkynyl,  $C_{3-8}$  cycloalkyl,  $R_4$ ,  $R_5$  and  $R_6$  is independently H, CL, F, or Br,  $R_A$  and J are heterocyclic radical (such as pyrrole, pyrazole),  $R_C$ ,  $R_D$ ,  $R_E$ ,  $R_F$  and  $R_G$  is independently selected from pyrrolidinyl and all other variable substitutions are as defined;

**Group VIII**, claims 49-50, drawn to a method for treating a disease with chemotherapy using the compound of the formula (I) wherein,  $R_1$  is heterocyclic radical (such as morpholinyl, pyrazinyl),  $R_2$  and  $R_3$  is independently H, phenyl,  $C_{1-4}$  alkyl,  $C_{3-8}$  alkynyl,  $C_{3-8}$  cycloalkyl,  $R_4$ ,  $R_5$  and  $R_6$  is independently H, CL, F, or Br,  $R_A$  and J are heterocyclic radical (such as morpholinyl, pyrazinyl),  $R_C$ ,  $R_D$ ,  $R_E$ ,  $R_F$  and  $R_G$  is independently selected from pyrazinyl and all other variable substitutions are as defined; or

**Group IX**, claims 49-50, drawn to a method for treating a disease with chemotherapy using the compound of the formula (I) wherein,  $R_1$  is non-heterocyclic radical (such as H,  $C_{1-8}$  alkyl,  $C_{3-8}$  alkenyl,  $C_{3-8}$  alkynyl, phenyl,  $C_{3-8}$  cycloalkyl etc.),  $R_2$  and  $R_3$  is independently H, phenyl,  $C_{1-4}$  alkyl,  $C_{3-8}$  alkynyl,  $C_{3-8}$  cycloalkyl,  $R_4$ ,  $R_5$  and  $R_6$  is independently H, CL, F, or Br,  $R_A$  and J are non-heterocyclic radical (such as H,  $C_{1-6}$  alkyl,  $C_{3-8}$  alkenyl,  $C_{3-8}$  alkynyl, phenyl,  $C_{3-8}$  cycloalkyl etc.),  $R_C$ ,  $R_D$ ,  $R_E$ ,  $R_F$  and  $R_G$  is independently selected from non-heterocyclic

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radical (such as H, C<sub>1-6</sub> alkyl, C<sub>3-8</sub> alkenyl, C<sub>3-8</sub> alkynyl, phenyl, C<sub>3-8</sub> cycloalkyl etc.) and all other variable substitutions are as defined.

The Applicants hereby elect Group III for prosecution on the merits, without traverse. The Applicant hereby select the treatment of cancer as the one method of use to accompany the compounds of Group III. Finally, the Applicants respectfully reserve the right to file a Divisional application(s) to the non-elected claims.

The Applicants submit that this application is now in condition for allowance, which allowance is respectfully solicited.

Respectfully submitted,

Dated: December 2, 2002

  
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